

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 18, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DANNY S. O/B/O CHELSEA S.,¹

Plaintiff,

vs.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:24-cv-00091-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 5, 10

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 10, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Dustin Deissner represents Plaintiff. Attorney Benjamin Groebner represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 10**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following instructions. On remand, the
7 Appeals Council will instruct the ALJ to:

- 8 • Offer the Plaintiff the opportunity for a new hearing;
- 9 • Take further action to complete the administrative record;
- 10 • Reconsider the dependency period;
- 11 • Reconsider whether the claimant's stepmother provided one-half
12 support for the claimant; and
- 13 • Issue a new decision.

14 *See* ECF No. 10 at 2.

15 3. Judgment shall be entered for **PLAINTIFF**.

16 4. Plaintiff's Motion for Summary Judgment, **ECF No. 5**, is
17 **STRICKEN AS MOOT**.

18 5. Upon proper presentation, this Court consider Plaintiff's application
19 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).
20

1 The District Court Executive is directed to enter this Order, **enter Judgment**
2 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED July 18, 2024.

4 s/Robert H. Whaley
5 ROBERT H. WHALEY
6 Senior United States District Judge
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